IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 134 OF 2006

Arjunsingh Kushalsingh Gosai. ...Applicant
V/s.
Union Territory Administration of
Dadra & Nagar Haveli, Silvasa. ...Respondent.

Mr.Sayaji D. Nangre for Applicant.
Mr.Rajesh More, APP for the State.
Mr.Girish Agarwal for Respondent No.1.

CORAM : V.M. KANADE, J.

DATED : JANUARY 30, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned Counsel for the Respondent.

. The applicant is arrested in connection with an offence punishable under Section 364A, 120B of the IPC read with Section 3 under the Provisions of Arms Act, 1959. It is alleged that the applicant was involved in kidnapping of the husband of the complainant and he had collected the ransom amount of Rs.10 lakhs which was given to him by the driver of the complainant.

2. It is submitted by the learned Counsel for the

applicant that the test identification parade which was held by the Special Executive Magistrate was not in accordance with the guidelines of the Criminal Manual and he pointed that the test identification memorandum show that the applicant was not identified by any of the witness. It is further submitted that even otherwise further statement of the witnesses have not been recorded by the Investigating Officer. It is submitted that this further creates doubt regarding authenticity of the identification parade which is alleged to have been held by the prosecution. It is further submitted that therefore, there is no evidence against the present applicant.

3. Learned Counsel appearing on behalf of the respondent, on the other hand, submitted that the applicant has been arrested in connection with serious offence of kidnapping the husband of the complainant and for demand of ransom of Rs.25 lakhs out of Rs.10 lakhs already collected by the applicant. It is further submitted that the other accused are having antecedents and they are involved in similar serious offences. It

is submitted that if the applicant is released, he is likely to abscond as he is permanently residing in Dehradun.

4. So far as the first objection raised by the applicant is concerned, in my view, the said objection can be considered at the time of final hearing of the case and it not possible to accept the submission of the learned Counsel at this considering the gravity of the offence and the fact that the applicant has been identified in the test identification parade, in my view, this is not a fit case for grant of bail. However, the applicant is in jail since one year. The trial is, therefore, expedited. The trial Court to decide the case, as expeditiously as possible. If the trial is not over within a period of six months, liberty to the applicant to apply again.

. The application is disposed of in the above terms.

(V.M. KANADE, J.)